

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED
SEP 17 2015
Clerk, U.S. District Court
District Of Montana
Missoula

SHANE McCLANAHAN,

Plaintiff,

vs.

LEROY KIRKEGARD, et al.,

Defendants.

CV 15-69-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Findings and Recommendations on August 17, 2015, recommending denial of Petitioner Shane McClanahan's motion to proceed in forma pauperis. Judge Johnston recommends denial of McClanahan's motion based on his finding that McClanahan failed to submit a certified copy of his prison trust account as required by 28 U.S.C. § 1915(a)(2). McClanahan is not entitled to any specific objection period. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam). The Court agrees with and adopts Judge Johnston's Findings and Recommendations in full, and finds that they contain no clear error. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

McClanahan submitted a proposed complaint and a motion to proceed in forma pauperis on July 15, 2015 (Docs. 1, 2). On July 15, 2015, Judge Johnston ordered that McClanahan submit a certified copy of his trust account within thirty days. McClanahan did not submit the required documentation and his motion to proceed in forma pauperis fails to meet the statutory requirements.

Accordingly, IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 4) are ADOPTED IN FULL. McClanahan's motion to proceed in forma pauperis (Doc. 1) is DENIED.

IT IS FURTHER ORDERED that the Clerk of Court shall CLOSE this case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure if Mr. McClanahan fails to pay the filing fee of \$400.00 within 30 days of this Order denying his motion to proceed in forma pauperis.

Dated this 17th day of September, 2015.


Dana L. Christensen
Chief Judge
United States District Court